DOCKET NO. 075635.0113 (UGSC01-05101) **PATENT**
CUSTOMER NO.: 49867
CLIENT NO: 1999P57001US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Thomas H. Slaight et al.
Serial No.	:	09/737,697
Filed	:	December 14, 2000
For	:	SOURCING SYSTEM AND METHOD
Group No.	:	3691
Examiner	:	Olabode Akintola
Conf. No.	:	1400

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is filed in response to the Examiner's Answer sent with a notification date of June 9, 2010, and addresses the issues raised therein. Appellant herewith respectfully submits that the Examiner's decision of January 26, 2009, finally rejecting Claims 2-10 and 12-32 in the present application, should be reversed, in view of the following arguments and authorities, as should the new rejection stated in the June 9, 2010 Examiner's Answer. No fees are believed due, but please charge any necessary fees to Deposit Account No. 19-2179.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Real Party in Interest

The real party in interest, and assignee of this case, is Siemens Product Lifecycle Management Software Inc.

Related Appeals or Interferences

As indicated in the Appeal Brief, appeal is related to Appeal No. 2007-4252 decided by the Board of Patent Appeals and Interferences (the "Board") on March 26, 2008. In response to Appeal No. 2007-4252, the Board reversed all rejections of the claims of the present application that were pending before the Board. A copy of the decision rendered by the Board is included as Appendix C per the requirements of 37 CFR 41.37(c)(1)(x).

To the knowledge of Appellants' counsel, there are no other known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision regarding this appeal.

Status of Claims

Claims 2-10 and 12-32 are under final rejection, and are each appealed. Claims 1 and 11 were previously cancelled.

Status of Amendments after Final

No claims were amended after final rejection. All previous amendments were entered, and are reflected in the Claims Appendix.

Appellant respectfully notes that claims 22-32 were inadvertently omitted from the previously-filed Reply Brief, but included in the Appeal Brief; all claims are now included in the Claims Appendix.

Summary of Claimed Subject Matter

A Summary of Claimed Subject Matter was included in the Appeal Brief, and is incorporated by reference.

Grounds of Rejection to be Reviewed on Appeal

1. Are Claims 2-3,5-7, 10, 12, and 14-18, 20-22, and 24-32 patentable under 35 U.S.C. § 102(e) over U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.*?
2. Is Claim 19 patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.*?
3. Are Claims 4, 8, and 13 patentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.* and U.S. Patent No. 5,835,896 issued to Fisher *et al.*?
4. Is Claim 9 patentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.* and U.S. Patent No. 5,402,336 issued to Spiegelhoff *et al.*?
5. Is Claim 23 patentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.* and U.S. Patent No. 7,107,268 issued to Zawadzki *et al.*?
6. Are Claims 15-24 enabled under 35 U.S.C. § 112, first paragraph, for the scope of the claims?

ARGUMENT

Stated Grounds of Rejection

The rejections outstanding against the Claims are as follows:

1. In the January 26, 2009 Office Action, Claims 2-3,5-7, 10, 12, and 14-18, 20-22, and 24-32 were rejected as unpatentable under 35 U.S.C. § 102(e) over U.S. Patent No. 7,249,085 issued to Kinney, Jr. *et al.* ("Kinney").

2. In the January 26, 2009 Office Action, Claim 19 was rejected as unpatentable under 35 U.S.C. § 103(a) over Kinney.

3. In the January 26, 2009 Office Action, Claims 4, 8, and 13 were rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and U.S. Patent No. 5,835,896 issued to Fisher *et al.* ("Fisher").

4. In the January 26, 2009 Office Action, Claim 9 was rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and U.S. Patent No. 5,402,336 issued to Spiegelhoff *et al.* ("Spiegelhoff").

5. In the January 26, 2009 Office Action, Claim 23 was rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and U.S. Patent No. 7,107,268 issued to Zawadzki *et al.* ("Zawadzki").

6. In the June 9, 2010 Examiner's Answer, Claims 15-24 were rejected under 35 U.S.C. § 112, first paragraph, as "not being enabled for the scope of the claim."

Legal Standards

Legal standards for anticipation and obviousness were discussed in the Appeal Brief, and are incorporated by reference.

The new rejection argues that various claims are "drafted in a means plus function format" and are "not enabled for the scope of the claim." The Examiner's Answer notes that a "single means claim covers every conceivable means for achieving the state result while the specification discloses at most only those means known to the inventor. See *O'Reilly v. Morse*, 56 U.S. 62, 112, 14 L. Ed. 601 (1853). The Examiner's Answer also notes that the U.S. Court of Appeals for the Federal Circuit stated that such a claim is properly rejected based on the first of paragraph of 35 USC § 112, ¶ 1. *In re Hyatt*, 708 F.2d 712, 714-715 (Fed. Cir. 1983).

Where means plus function language is used to define the characteristics of a machine or manufacture invention, such language must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. Two *en banc* decisions of the Federal Circuit have made clear that the USPTO is to interpret means plus function language according to 35 U.S.C. § 112, sixth paragraph. *In re Donaldson*, 16 F.3d 1189, 1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) (en banc); *In re Alappat*, 33 F.3d 1526, 1540, 31 USPQ2d 1545, 1554 (Fed. Cir. 1994) (*en banc*).

All of these decisions apply to claims that are drafted as "means plus function" claims. Where 35 U.S.C. § 112, sixth paragraph is not invoked, these decisions do not apply.

Analysis of Examiner's Rejection

The arguments presented in the Appeal Brief and in the previously-filed Reply Brief are incorporated by reference. The arguments below are responsive to those issues raised by the Examiner in the most recent Examiner's Answer.

First Ground of Rejection

Claims 2-3,5-7, 10, 12, and 14-18, 20-22, and 24-32 were rejected as unpatentable under 35 U.S.C. § 102(e) over U.S. Patent No. 7,249,085 issued to Kinney.

Claims 2-3, 5-7, 10, 12, 14-18, 20-22, and 24-32

For the convenience of the Board, independent claim 5 is reproduced below:

> 5. An electronic bidding system, comprising:
>
> means for enabling each of a plurality of vendors to submit electronic vendor bids on at least two parameters associated with a product, the electronic vendor bids submitted over an electronic communications network;
>
> means for calculating a total cost of the product to a purchaser for each vendor in response to the vendors bids, the total cost taking into account the at least two parameters associated with the product;
>
> means for enabling the purchaser to make at least one adjustment corresponding to at least one of the vendor bids which is used by the calculating means to determine the total cost of the product to the purchaser; and
>
> means for outputting each of the vendors bids and the total cost of the product to the purchaser.

In particular, and as discussed in the Appeal Brief, this claim requires means for for *enabling the purchaser to make at least one adjustment corresponding to at least one of the vendor bids which is used by the calculating means to determine the total cost of the product to the purchaser.* Independent claims 15 and 25 include similar limitations. These limitations are not taught or suggested by any combination of the art of record, and certainly are not taught *identically* by Kinney, as required by a proper anticipation rejection.

The Examiner's Answer states that

> Kinney explicitly teaches that the buyer can alter the supplier's perception of the relative attractiveness of the submitted bid (col. 7, lines 32-35). Examiner notes that by having the factors used in the transformation function confidential to the buyer (transformation function subjectively determined by the buyer using weighting of the various parameters associated with supplier's bid), the buyer inherently modifies or adjusts the supplier's bid using the transformation function. This adjustment is automatically done to each and every bid via the transformation function. *Examiner's Answer, page 9.*

The Examiner's Answer is incorrect, for several reasons.

First, the Answers's citation of a line in Kinney that discusses that "confidential

information gives the buyer leverage in altering the supplier's perception of the relative attractiveness of the [supplier's/vendor's] submitted bid" (*Kinney, col. 7, lines 32-34*) does not meet any claim limitation. The independent claims have nothing at all to do with the vendor's "perception" of how good his bid is. Any supplier's "perception" is an intangible, subjective view that may or may not be reflected in any response or bid at all. Nor does this have anything to do with the buyer/purchaser making any adjustment corresponding to any bid, as required by the independent claims. This passage has nothing at all to do with the claim limitations.

Next, the Examiner's statement that the "transformation function subjectively determined by the buyer using weighting of the various parameters associated with supplier's bid" is not supported in Kinney. Kinney describes that

> In one embodiment, the bid transformation function (f) is a linear or non-linear analytic function that is calculated in real-time. In another embodiment, the bid transformation function (f) is a linear or non-linear function that is implemented via lookup tables. In yet another embodiment, the transformation function is a combination of an analytic linear function, analytic non-linear function, and table lookup function. The combination can be nested more than one layer deep. *Kinney, col. 6, lines 14-22.*

The transformation function is *not* taught to be "subjectively determined by the buyer",

as alleged by the Examiner. On the contrary, the transformation function is used to transform "multi-parameter bids into comparable units of measure. The transformation process is an expression of the relative impact (or weighting) of each of the individual bidding parameters. In this manner, the transformation process enables an apples-to-apples comparison of multi-parameter bids." *Kinney, col. 4, liens 30-36.* The transformation process is explicitly an *objective* transformation to allow an *objective* comparison of the different bids. The transformation function is *not* taught to be adjustable by the buyer/purchaser, and so cannot be considered to be for enabling the purchaser to make at least one adjustment corresponding to at least one of the vendor bids, as required by the independent claims.

Kinney does not, and cannot, "enable[e] the purchaser to make at least one adjustment corresponding to at least one of the vendor bids which is used by the calculating means to determine the total cost of the product to the purchaser", as alleged by the Examiner. Nothing about Kinney's transformation function is taught to be adjustable by the buyer/purchaser, and therefore there is no "adjustment" that is used by Kinney's system to "determine the total cost of the product to the purchaser", as claimed.

Kinney does describe that the vendor/supplier *bidder* can change price parameters or other parameters, such as the quality of the goods being sold (*see, e.g.,*

Kinney at col. 10, lines 52-66). This is the *opposite* of what the claim requires, and is the common case of a seller being able to determine the type and cost of the goods being offered. The purchaser does not make any adjustment, as required by the claims.

Finally, if a buyer in Kinney's system were able to individually set the weighings used in the transformation functions – and Kinney neither explicitly teaches that this is the case nor describes any means for this to be done – it is clear that in Kinney's system, these weighings must be *uniform* across all bids in order to accomplish Kinney's goal of an objective multi-parameter evaluation. There is no teaching at all that any weighing that is used in the transformation process is *corresponding to at least one of the vendor bids* as required by the independent claims.

Kinney does not teach the limitations of the independent claims, and certainly does not teach them identically. All anticipation rejections should be reversed.

Second Ground of Rejection

Claim 19 was rejected as unpatentable under 35 U.S.C. § 103(a) over Kinney.

Claim 19

Appellant again notes that neither Fisher, nor any combination of the art of record, teaches or suggests the limitations discussed above with regard to the anticipation rejections. All claims distinguish over any combination of the art of record. This rejection should be reversed.

Third Ground of Rejection

Claims 4, 8, and 13 were rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and Fisher.

Claims 4, 8, and 13

Appellant again notes that neither Fisher, nor any combination of the art of record, teaches or suggests the limitations discussed above with regard to the anticipation rejections. All claims distinguish over any combination of the art of record.

Claim 4 recites "means for communicating a vendor bid having the best total cost for the product to the vendors without revealing the identification of the vendor with the best total cost to encourage competitive bidding by the other vendors." Claim 8 recites "communication means [that] enables messages to be sent to the vendors regarding the status of the bidding, ending time for the bidding and extensions of the bidding." Claim 13 recites that the software is further operable to "send data, comprising a vendor bid having the best total cost for the product, to the vendors during the auction without revealing the identification of the vendor with the best total cost." The Examiner's Answer acknowledges that Kinney does not disclose, teach, or

suggest the above-recited features. *Examiner's Answer, page 7.* Rather, the Examiner relies upon Fisher for disclosure of the features recited in Claims 4, 8, and 13.

With regard to Claims 4 and 13, the Examiner's Answer responds that

> Fisher teaches sending email notification to bidders who have been out-bidded by the just-placed bid. Fisher further teaches that the message includes information regarding the product, the current high bid, bid incremcnt, etc. Examiner notes that the name or identification of the bidder of the bidder is not required or necessary as part of the message as compared to when the bidder wants to place a bid (see col. 6, lines 31-38). Fisher explicitly teaches that the identification of the bidder, address, bid amount, payment information are necessary information to be provided when placing the bid. *Examiner's Answer, pages 9-10.*

The Examiner fails to show the limitation in the art. Rather than showing any teaching that that best bid is or should be communicated without revealing the leading bidder, as required by the claim, the Examiner merely shows that *other* information *is* conveyed. Moreover, Fisher's Fig. 2 clearly shows the high bidders are revealed by both a two-letter identifier and a location. Fisher teaches away from claims 4 and 13.

With regard to claim 8, Fisher has no teaching at all that any extension of bidding is ever sent in a message to vendors, as required by this claim. The response in the Examiner's Answer that the "end time" is both the *ending time for the bidding* and *extensions of the bidding* is contrary to the plain language of the claim. Further, Figure 2 is a web "merchandise catalog page" and not a message sent to a vendor. Fisher does not teach a message as claimed.

No combination of the references teaches the limitations of claims 4, 8, and 13. These rejections should be reversed.

Fourth Ground of Rejection

Claim 9 was rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and Spiegelhoff.

Claim 9

Appellant again notes that neither Fisher, nor any combination of the art of record, teaches or suggests the limitations discussed above with regard to the anticipation rejections. All claims distinguish over any combination of the art of record. This rejection should be reversed.

Fifth Ground of Rejection

Claim 23 was rejected as unpatentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of Kinney and Zawadzki.

Claim 23

Appellant again notes that neither Fisher, nor any combination of the art of record, teaches or suggests the limitations discussed above with regard to the anticipation rejections. All claims distinguish over any combination of the art of record. This rejection should be reversed.

Sixth Ground of Rejection

In the June 9, 2010 Examiner's Answer, a new ground of rejection was entered. Claims 15-24 were rejected under 35 U.S.C. § 112, first paragraph, as "not being enabled for the scope of the claim."

Claim 15-24

These claims may be considered together for purposes of this ground of rejection only.

The Examiner's Answer states:

> Claims 15-24 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled for the scope of the claim.
>
> The claims are drafted in a means plus function format and recite only a single means: a computer readable storage medium.
>
> The claims are drawn only to a single element instead of a combination. The claims are directed to a system having a single element. A mere recital of a software stored on the computer readable storage medium and operable when executed does not constitute an additional element.

Thus, every claim listed above is a single means claim.

June 9, 2010 Examiner's Answer, page 11.

Contrary to the Examiner's Answer, these claims are *not* "drafted in a means plus function format". These claims do not include the term "means" at all. Independent claim 15 recites:

> 15. An electronic auction system, comprising:
>
> a computer readable storage medium;
>
> software stored on the computer readable storage medium and operable, when executed, to:
>
> receive bids from a plurality of vendors, each bid comprising a plurality of parameters associated with at least one product;
>
> calculate the total cost of the at least one product to a purchaser for each vendor in response to the vendors' bids, the total cost taking into account the plurality of parameters associated with the at least one product;
>
> enable the purchaser to make at least one adjustment corresponding to at least one vendor bid which is used by the electronic auction system to calculate the total cost of the product to the purchaser; and
>
> output each of the vendors bids and the total cost of the product to the purchaser.

Even the most cursory review shows that there is no "means plus function" language at all in this claim or any of its dependent claims. This claim required a particular article of manufacture – a computer readable storage medium – and specific functional material stored on it. Several examples of acceptable storage mediums are described in the specification at page 33, lines 24-34.

As it is clear that there is no "means plus function" language at all, the new rejection of the Examiner's Answer is clearly incorrect. The MPEP clearly describes :

> A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:
>
> (A) the claim limitations must use the phrase "means for" or "step for;"
>
> (B) the "means for" or "step for" must be modified by functional language; and
>
> (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function.
>
> With respect to the first prong of this analysis, **a claim element that does not include the phrase "means for" or "step for" will not be considered to invoke 35 U.S.C. 112, sixth paragraph**. *MPEP 2181, emphasis added.*

The claims do not include the phrase "means for" or "step for" at all, and the cannot be considered to invoke 35 U.S.C. §112, sixth paragraph. Moreover, the specification as filed specifically addresses this issue:

> To aid the Patent Office, and any readers of any patent issued on this application in interpreting the claims appended hereto, applicants wish to note that they do not intend any of the appended claims to invoke paragraph six of 35 U.S.C. § 112 as it exists on the date of filing hereof unless "means for" or "step for" are used in the particular claim. *Specification, page 38, lines 1-7.*

As it is clear that this entire ground of rejection of these claims is based on language that does not appear in the claims at all, these rejections should be reversed.

REQUESTED RELIEF

The Board is respectfully requested to reverse the outstanding rejections and return this application to the Examiner for allowance.

Respectfully submitted,

Michael J. Wallace, Jr.
USPTO Reg. No. 44,486

ATTORNEY FOR APPELLANT

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Phone: 770.751.2351
DATE: 2 August 2010

APPENDIX A -

Claims Appendix

1. (Cancelled)

2. (Previously Presented) The bidding system of Claim 5, wherein the bids include a plurality of parameters for the product and the total cost calculating means determines the total cost of the product to the purchaser using a pre-determined total cost formula.

3. (Original) The bidding system of Claim 2, wherein the total cost formula includes at least one pre-defined constant.

4. (Previously Presented) The bidding system of Claim 5, further comprising:

means for communicating a vendor bid having the best total cost for the product to the vendors without revealing the identification of the vendor with the best total cost to encourage competitive bidding by the other vendors.

5. (Previously Presented) An electronic bidding system, comprising:

means for enabling each of a plurality of vendors to submit electronic vendor bids on at least two parameters associated with a product, the electronic vendor bids submitted over an electronic communications network;

means for calculating a total cost of the product to a purchaser for each vendor in response to the vendors bids, the total cost taking into account the at least two parameters associated with the product;

means for enabling the purchaser to make at least one adjustment corresponding to at least one of the vendor bids which is used by the calculating means to determine the total cost of the product to the purchaser; and

means for outputting each of the vendors bids and the total cost of the product to the purchaser.

6. (Previously Presented) The bidding system of Claim 5, further comprising:

means for enabling communication with the vendors during the bidding.

7. (Original) The bidding system of Claim 6, wherein said communication means enables messages to be sent to the vendors to encourage further bidding by the vendors.

8. (Original) The bidding system of Claim 7, wherein said communication means enables messages to be sent to the vendors regarding the status of the bidding, ending time for the bidding and extensions of the bidding.

9. (Previously Presented) The bidding system of Claim 5, further comprising:

means for calculating an amount of savings for the purchaser and means for communicating the savings to the purchaser.

10. (Previously Presented) The bidding system of Claim 5, further comprising:

means for setting up the bidding on the product.

11. (Cancelled)

12. (Previously Presented) The electronic auction system of Claim 15, wherein the at least two parameters are selected from a group consisting of price, discount, delivery, installation, training, maintenance, the risks covered by warranty, and length of warranty.

13. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to send data, comprising a vendor bid having the best total cost for the product, to the vendors during the auction without revealing the identification of the vendor with the best total cost.

14. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to send data to the vendors during the bidding to stimulate competitive bidding.

15. (Previously Presented) An electronic auction system, comprising:

a computer readable storage medium;

software stored on the computer readable storage medium and operable, when executed, to:

receive bids from a plurality of vendors, each bid comprising a plurality of parameters associated with at least one product;

calculate the total cost of the at least one product to a purchaser for each vendor in response to the vendors' bids, the total cost taking into account the plurality of parameters associated with the at least one product;

enable the purchaser to make at least one adjustment corresponding to at least one vendor bid which is used by the electronic auction system to calculate the total cost of the product to the purchaser; and

output each of the vendors bids and the total cost of the product to the purchaser.

16. (Previously Presented) The electronic auction system of Claim 15, wherein the total cost calculated for each vendor uses a single formula for all vendors.

17. (Previously Presented) The electronic auction system of Claim 15, wherein the total cost calculated for each vendor uses a plurality of formulas, each vendor having one of the plurality of formulas associated with it.

18. (Previously Presented) The electronic auction system of Claim 15, wherein the plurality of parameters is further associated with a plurality of products.

19. (Previously Presented) The electronic auction system of Claim 15, wherein the auction results take into account vendors bids on a market basket of products.

20. (Previously Presented) The electronic auction system of Claim 15, wherein bids from vendors are received through an Internet.

21. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to provide a vendor with data about the status of an auction while the auction is in progress.

22. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to provide a purchaser with data about the status of an auction while the auction is in progress.

23. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to control which vendors are allowed to participare in an auction.

24. (Previously Presented) The electronic auction system of Claim 15, wherein the software is further operable to allow a total cost formula to be defined for each product in an auction.

25. (Previously Presented) A method of conducting an on-line auction, comprising:

receiving bids from a plurality of vendors, each bid comprising a plurality of parameters associated with at least one product;

calculating, using a computer, the total cost of the at least one product to a purchaser for each vendor in response to the vendors' bids, the total cost taking into account the plurality of parameters associated with the at least one product;

enabling the purchaser to make at least one adjustment corresponding to at least one vendor bid which is used by the computer to calculate the total cost of the product to the purchaser; and

outputting, using the computer, each of the vendors bids and the total cost of the product to the purchaser.

26. (Original) The method of Claim 25, further comprising:

defining a plurality ofparameters for a category of products; and

defining a total cost formula for the category of products in response to the plurality of parameters.

27. (Original) The method of Claim 26, wherein the total cost formula includes at least one constant associated with at least one parameter.

28. (Original) The method of Claim 25, wherein the plurality of parameters includes price and non-price parameters.

29. (Original) The method of Claim 28, wherein the price parameters include at least one of a base price, volume discounts, rebates, life cycle discounts, utilization charges, maintenance charges and administration charges.

30. (Original) The method of Claim 28, wherein the non-price parameters include at least one of delivery timing, national service coverage, minimum quality levels, employee skill levels, a dedicated account management team, special reporting requirements, online ordering, warranty and length of contract.

31. (Original) The method of Claim 26, wherein defining a plurality of parameters comprises defining at least two sub-categories for the category of products, and defining at least two parameters for each subcategory.

32. (Original) The method of Claim 25, further comprising:

communicating the best vendor's bid to the other vendors to encourage competitive bidding.

APPENDIX B -
Copy of Formal Drawings

APPENDIX C -

Evidence Appendix

Not Applicable -- No other evidence was entered.

APPENDIX D -
Related Proceedings Appendix